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teachable. The editor has, however, yielded somewhat to the temptation to include cases turning on the construction of particular phrases, and cases from his own bailiwick, the state of Illinois, even where local statutes are involved. The order of cases has been somewhat improved for teaching purposes by grouping those on particular points instead of adhering to the chronological development of the whole topic where the topic is a large one. Here again it is difficult to strike a balance between the demands of orderly research and the limitations of classroom progress. Neither, however, seems to justify placing *Pells v. Brown* (1620) and other authorities—largely Illinois cases—on the development of indestructible springing and shifting uses before *Chudleigh's* case (1594) and others on contingent remainders and their destructibility. In the *Moot* case on page 121, Mr. Kales himself shows the proper historical relationship, and no pedagogics appear to demand a reverse order.

Mr. Gray's second edition is ten years old. A considerable readjustment of the sixth volume has long been impending. The army of lawyers who have sat at his feet and mourn his death have every reason to appreciate Mr. Kales' endeavor, to quote from his preface, that his master's "collection of cases and his analysis of the subjects dealt with shall continue to live and serve the great body of law students of the Country."

CHARLES F. DUTCH.

Boston

Criminal Sociology. By Enrico Ferri. (Modern Criminal Science Series.) Boston, Little, Brown & Co. 1917. pp. 577.

We owe a considerable debt of gratitude to the learned translators, each of whom has suffered an untimely death, Joseph I. Kelly and John Lisle, for their well-performed task in translating for us this work, so well known abroad, by Enrico Ferri, sociologist, socialist leader in the Italian parliament and Professor of Criminal Law in the University of Rome. A first small edition of this book appeared in 1884; an English abridged translation, for years on the shelves of our libraries, has most inadequately represented the scholarship which marks the author's work.

To identify the author better we may use the very well-phrased paragraph from the editorial preface: "Ferri may be regarded as Lombroso's most distinguished pupil, and, in a sense, as a continuer of his work, though supplementing it on the sociological side and giving it a greater breadth than Lombroso himself showed. Ferri's work on Criminal Sociology may be regarded, therefore, as epoch-making, in bringing together the anthropological studies of Lombroso and his own work in criminal statistics and in criminal law, resulting in the founding in Italy of a new school of positive criminal law, of which Ferri is himself the chief exponent."

Ferri covers a large field in his work, and covers it with distinction, using a vast array of facts and showing familiarity with the views of many authors. Indeed it is his orientation of his own point of view in relation to other writers and his occasional, but not overdone, discussion of the conflicting theoretical schools of criminology that makes the perusal of his treatise an intellectual treat. And his dissertation is altogether to the point, for the last part of the volume consists of seven chapters under the caption of Practical Reforms—a well-balanced consideration of the machinery of public justice and penal administration.

Of course it is impossible to offer here in detail any account of these proposed reforms or of Ferri's theories, to which he so tenaciously clings. He lays stress all through on his fivefold classification of criminals, on certain

sociological laws which he believes determine the crime out-put of society and he emphasizes approvingly the clinical attitude towards the individual problem. Thus he brings together several points of view.

There is a good deal of shrewd common sense distributed throughout Ferri's handling of his many topics, *e. g.*, while he says that, given social conditions as they are, the criminal act may be, and often is, an act determined by necessity on the part of a person inevitably predisposed by nature to crime, nevertheless the State has also its own predetermined necessities. If the criminal says to the State, "Why do you punish me for an act from which it is impossible for me to abstain?" the State can reply, "For the sole reason that I likewise am unable to abstain from punishing you in the defense of law and society." Then also Ferri insists wisely that crime is always the product of the nature of the man plus the environment. And particularly valid is his emphasis on the fact that is growing more and more apparent, that "neglected childhood is the source and seed of habitual criminality and recidivity."

While respecting the eminent soundness of much that appears in the work, fairness to the science of criminology as it has now developed demands at least some remark on the limitations of Ferri's conclusions. In the first place he writes about material derived almost entirely from the Latin races and, then, while he freely acknowledges the part that study of the mind must come to play in criminology, his data of mental life are a hundred-fold less complex than modern studies in psychology show. Strangely naïve is Ferri's repeated statement that when he goes out into the practical field he can pick out types, especially the murderer type—"I distinguished it in one young soldier out of seven hundred." Of course we are well aware that America does not correspond at all to Italy in the findings of stigmata among the population, but generalizations should hold true in other than one's own locality. Nowhere do we find students here so easily passing on past or present conduct possibilities in the individual, even of peculiar appearance. The reviewer confesses, too, that Ferri's attempt to formulate a "Law of Criminal Saturation" lacks impressiveness because its statement that—"in a given social environment with definite individual and physical conditions a fixed number of delicts, no more and no less, can be committed"—is so broad that the modifications of a delinquent's career which may be made and which do lessen crime are included—of course they form from their very inception part and parcel of the social environment or the individual or physical conditions.

The true value of such work as Ferri's in criminological science is at the present day to be estimated only in light of the fact that modern studies of the mental life concerning native capabilities, traits, and dynamic experiences present a new phase of the subject which in its direct applicability to the individual problem and hence to the prevention of crime in general overshadows in practicability all other and, particularly, theoretical considerations.

WILLIAM HEALY